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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**

10 **JOHN C. PHELAN**, as an individual and
on behalf of all others similarly situated,

11 Plaintiff,

12 v.

13 **LIFEWAY FOODS, INC.**, an Illinois
14 corporation

15 Defendant.

Case No. 12-CV-01309 EMC

CLASS ACTION

**[PROPOSED] ORDER GRANTING
STIPULATION TO CONTINUE MOTION
TO DISMISS HEARING AND THE CASE
MANAGEMENT CONFERENCE**

Complaint Filed: March 15, 2012
Hearing Date: November 2, 2012
Hearing Time: 9:00 a.m.
Dept.: Courtroom 5, 17th Floor
Before: Hon. Edward M. Chen

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17 Upon due consideration of the parties' Stipulation to continue the Motion to Dismiss Hearing
18 and Case Management Conference set for November 2, 2012, and for good cause shown, the Court
19 hereby GRANTS the parties' Stipulation.

20 **IT IS HEREBY ORDERED THAT:**

- 21 1. Plaintiff shall have until October 19, 2012, to respond to Defendant's Motion;
22 2. Defendant shall have until October 26, 2012, to file a Reply in support of Defendant's
23 Motion;
24 3. The November 2, 2012, Motion Hearing is continued until November 20, 2012.
25 4. The November 2, 2012, Case Management Conference is continued until January 4,
26 2013, at 9:00 a.m. A joint CMC Statement shall be filed by December 27, 2012.

27 Dated: October 23, 2012



[PROPOSED] ORDER GRANTING STIPULATION TO CONTINUE MOTION TO DISMISS HEARING AND THE CASE MANAGEMENT CONFERENCE

Case No. CV 12-01309-EMC